

Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Forever of PA, Inc.)	File No.: EB-FIELDNER-13-00012977
)	
Owner of Antenna Structure No. 1057380)	NOV No.: V201432400013
)	
Titusville, Pennsylvania)	
)	

NOTICE OF VIOLATION

Released: January 22, 2014

By the District Director, Philadelphia Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Forever of PA, Inc. (Forever), owner of antenna structure number 1057380 in Titusville, Pennsylvania. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation noted herein.²

2. On December 19, 2013 in response to a complaint, agents of the Enforcement Bureau's Philadelphia Office inspected antenna structure number 1057380 located on Rd #5, South Perry Street, Titusville, Pennsylvania at the coordinates 41° 37' 00" North Latitude 079° 41' 31" West Longitude and observed the following violation:

47 C.F.R. § 17.48(a): "The owner of any antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part shall report immediately by telephone or telegraph to the nearest Flight Service Station or office of the Federal Aviation Administration any observed or otherwise known extinguishment or improper functioning of any top steady burning light or any flashing obstruction light, regardless of its position on the antenna structure, not corrected within 30 minutes. Such reports shall set forth the condition of the light or lights, the circumstances which caused the failure, the probable date for restoration of service, the FCC Antenna Structure Registration Number, the height of the structure (AGL and

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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AMSL if known) and the name, title, address, and telephone number of the person making the report.” Forever reported to the agents that it first became aware on December 12, 2013 that an obstruction light outage existed on antenna structure number 1057380; however, Forever did not report the outage to the FAA until December 19, 2013.³

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,⁴ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Forever must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁵

4. In accordance with Section 1.16 of the Rules, we direct Forever to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Forever with personal knowledge of the representations provided in Forever response, verifying the truth and accuracy of the information therein,⁶ and confirming that all of the information requested by this Notice which is in the regulatee’s possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁷

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

³ The FAA issued NOTAM No. 12-225 on December 19, 2013 at 9:45 a.m. for antenna structure number 1057380.

⁴ 47 U.S.C. § 403.

⁵ 47 C.F.R. § 1.89(c).

⁶ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

⁷ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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One Oxford Valley Building, Suite 404
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Langhorne, Pennsylvania 19047

6. This Notice shall be sent to Forever at its address of record.

7. The Privacy Act of 1974⁸ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

David C. Dombrowski
District Director
Philadelphia Office
Northeast Region
Enforcement Bureau

⁸ P.L. 93-579, 5 U.S.C. § 552a(e)(3).